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Paper No. 7

In re Application of
Toshio Sato *et al*
Application No. 09/880,112
Filed: June 14, 2001
Attorney Docket No. 209401US2

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: DECISION ON PETITION
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This is a decision on the petition filed by on December 30, 2003. Petitioners state that they are in receipt of a PTO Communication holding this application to have become abandoned for failure to file a reply to the Office action dated August 13, 2002. The record fails to show that any such PTO Communication has been mailed, and petitioners are requested to assist in establishing a complete application file by sending a copy of that Communication to the undersigned by facsimile transmission to (703) 305-3762 at petitioners' earliest convenience. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Although the record does not contain a copy of holding that this application stands abandoned, inspection of the file shows that an Office letter was in fact mailed to petitioners on August 13, 2002, and that no reply thereto is in the record. Thus, even in the absence of a Notice of Abandonment, this application stands technically abandoned.

Petitioners allege, however, that a proper and timely reply to the Office letter in question was in fact filed on November 8, 2002, within the period set for response to that letter. In support of this allegation, petitioners have furnished a copy of that reply, together with a copy of a receipt showing that the reply was in fact received in the Office on November 8, 2002. This evidence establishes that this application is not in fact abandoned.

Accordingly, the application is restored to pending status. If in fact a PTO Communication held this application to have become abandoned, that holding is vacated. The application is being forwarded to the Head Supervisory Applications Examiner in Technology Center 3700 to change the correspondence address in the PALM system to agree with the address appearing at the bottom of this decision. It is noted that the Customer Number associated with this application is for that address. Thereafter, the application will be forwarded to the examiner for action on the reply filed on November 8, 2002.

PETITION GRANTED.


E. Rollins Cross, Director
Technology Center 3700

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